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Attorneys for Appellee/Plaintiff JOHN CHALLAS

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In re: Stephen J.R. Goetz and Diana  
Goetz,

Debtors.

John Challas,

Plaintiff,

v.

Steven Goetz, and DOES 1 through 20,  
Inclusive,

Defendants.

Chapter 11

Case No. C-07-06364 RMW

[Bankruptcy Case No. 05-57623 MM;  
Adversary Proceeding No. 06-5197;  
BAP No. NC-07-1418.]

**APPELLEE/PLAINTIFF JOHN CHALLAS' NOTICE  
OF CONTINUED HEARING ON MR. CHALLAS'  
MOTION TO DISMISS THE APPEAL BY  
APPELLANT/DEFENDANT STEPHEN GOETZ**

New Date: July 25, 2008

Time: 9:00 a.m.

Judge: Hon. Ronald M. Whyte

Courtroom: 6, 4<sup>th</sup> Fl.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on June 4, 2008, the Court, on its own motion, continued  
the hearing on Appellee/Plaintiff JOHN CHALLAS' ("Mr. Challas") motion to dismiss the appeal

1 brought by Appellant/Defendant STEPHEN GOETZ ("Goetz") which is currently set for June 20,  
2 2008. The new hearing date for said motion is now July 25, 2008, at 9:00 a.m., in Courtroom # 6,  
3 4<sup>th</sup> Floor of the U.S. Courthouse, 280 South First Street, San Jose, California. However, the  
4 parties are still required to file papers in connection with said motion in accordance with the originally  
5 noticed June 20, 2008 hearing date. A true and correct copy of the Clerk's Notice of Continuance is  
6 attached hereto as **Exhibit 1**. A certificate of service of this Notice of Continuance is also attached  
7 hereto.

8  
9 Dated: June 6, 2008

ELLIS, COLEMAN, POIRIER, LAVOIE, &  
STEINHEIMER LLP

10  
11  
12 By



Daniel D. McGee

Co-Counsel for JOHN CHALLAS

**CERTIFICATE OF SERVICE**

I, Nichole M. Pruitt, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On June 6, 2008, I served the following document(s) on the parties in the within action:

**APPELLEE/PLAINTIFF JOHN CHALLAS' NOTICE OF CONTINUED HEARING ON  
MR. CHALLAS' MOTION TO DISMISS THE APPEAL BY APPELLANT/DEFENDANT  
STEPHEN GOETZ**

**X**

**BY MAIL:** I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:

**X**

**VIA ELECTRONIC SERVICE:** The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:

Stephen Goetz  
13725 Robleda Road  
Los Altos, CA 94022  
**(Via U.S. Mail)**

Debtor In Pro Per

George P. Eshoo, Esq.  
Law Offices of George P. Eshoo et al.  
702 Marshall Street, Suite 500  
Redwood City, CA 94063  
**(Via Electronic Service)**

Co-Counsel for John Challas

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on June 6, 2008.

By

  
Nichole M. Pruitt

# **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: STEPHEN J.R. GOETZ ,

**\*E-FILED - 6/4/08\***

CASE NO.: 07-06364-RMW

**CLERK'S NOTICE OF CONTINUANCE**

**NEW DATE: JULY 25, 2008**

**TIME: 9:00 AM**

PLEASE TAKE NOTICE that, on the court's own motion, **APPELLEE/PLAINTIFF JOHN CHALLAS' MOTION TO DISMISS APPEAL**, noticed for June 20, 2008, has been continued to the date and time set forth above. The parties are to appear before the Honorable Ronald M. Whyte in courtroom #6, 4th floor of the U.S. Courthouse, 280 South First Street, San Jose, California, unless notified that the matter will be submitted without argument.

If any hearing date is moved by the court's own motion, papers must still be filed in accordance with the originally noticed date and the Local Rules of this court absent a court order setting a new briefing schedule.

The moving party shall give written notice to counsel for all parties of the new date of the hearing after receipt of this notice. Following service, the moving party shall file a certificate of service with the Clerk of the Court.

DATED: June 4, 2008

BY: /s/ Jackie Garcia  
JACKIE GARCIA  
Courtroom Deputy for  
Honorable Ronald M. Whyte

1 Copy of Order E-Filed to Counsel of Record:

2 Order Mailed to:

3 **Stephen Goetz**

4 13725 Robleda Road

5 Los Altos, CA 94022

6 **Marilyn Morgan**

7 US Bankruptcy Court

8 280 South First Street

9 Room 3035

10 San Jose, CA 95113

11 **USBC Manager-San Jose**

12 US Bankruptcy Court

13 280 South First Street

14 Room 3035

15 San Jose, CA 95113

16 *Pro Se Parties*

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